

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 17-1098**September Term, 2019**

FERC-CP15-138-000
FERC-CP15-138-001
FERC-CP15-138-003
FERC-CP15-138-004
FERC-CP17-212-000

Filed On: December 5, 2019

Allegheny Defense Project, et al.,

Petitioners

v.

Federal Energy Regulatory Commission,

Respondent

Anadarko Energy Services Company, et al.,Intervenors

Consolidated with 17-1128, 17-1263, 18-1030

BEFORE: Garland, Chief Judge, and Henderson, Rogers, Tatel, Griffith,
Srinivasan, Millett, Pillard, Wilkins, Katsas, and Rao, Circuit Judges

ORDER

Upon consideration of the petition for rehearing en banc filed by Hilltop Hollow Limited Partnership, Hilltop Hollow Limited Partnership, LLC, and Stephen D. Hoffman, the responses thereto, and the vote in favor of the petition by a majority of the judges eligible to participate, it is

ORDERED that the petition be granted. These consolidated cases will be reheard by the court sitting en banc. It is

FURTHER ORDERED that the court's judgment filed August 2, 2019, be vacated. It is

FURTHER ORDERED that the oral argument before the en banc court be heard on Tuesday, March 31, 2020 at 9:30 a.m. It is

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FURTHER ORDERED that, in addition to filing briefs electronically, the parties file 30 paper copies of each of the briefs and the appendix, in accordance with the following schedule:

Joint brief for petitioners	January 10, 2020
Appendix	January 10, 2020
Brief for respondent	February 10, 2020
Joint brief for intervenors supporting respondent	February 10, 2020
Joint reply brief for petitioners	March 2, 2020

The parties are directed to address in their briefs the issues raised in Section II, Part C of the opinion and in the concurring opinion, including whether the Natural Gas Act, and specifically 15 U.S.C. § 717r(a), authorizes the Federal Energy Regulatory Commission to issue tolling orders that extend the statutory 30-day period for Commission action on an application for rehearing.

To enhance the clarity of their briefs, the parties are urged to limit the use of abbreviations, including acronyms. While acronyms may be used for entities and statutes with widely recognized initials, briefs should not contain acronyms that are not widely known. See *D.C. Circuit Handbook of Practice and Internal Procedures* 41 (2018); Notice Regarding Use of Acronyms (D.C. Cir. Jan. 26, 2010).

Parties are strongly encouraged to hand deliver the paper copies of their briefs to the Clerk's office on the date due. Filing by mail may delay the processing of the brief. Additionally, counsel are reminded that if filing by mail, they must use a class of mail that is at least as expeditious as first-class mail. See Fed. R. App. P. 25(a). All briefs and appendices must contain the date that the case is scheduled for oral argument at the top of the cover. See D.C. Cir. Rule 28(a)(8).

Because the briefing schedule is keyed to the date of argument, the court will grant requests for extension of time limits only for extraordinarily compelling reasons. The briefs and appendix must contain the date that the case is scheduled for oral argument at the top of the cover. See D.C. Cir. Rule 28(a)(8).

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A separate order will issue regarding allocation of oral argument time.

Per Curiam

FOR THE COURT:

Mark J. Langer, Clerk

BY: /s/

Michael C. McGrail
Deputy Clerk

United States Court of Appeals

District of Columbia Circuit
Washington, D.C. 20001-2866

Mark J. Langer
Clerk

(202) 216-7300

NOTICE TO COUNSEL:

SCHEDULING ORAL ARGUMENT

The court has entered an order setting a briefing schedule in a case in which you are counsel of record. Once a briefing order has been entered, the case may be set for oral argument.

You will be notified by separate order of the date and time of oral argument. Once a case has been calendared, the Clerk's Office cannot change the argument date, and ordinarily the court will not reschedule it. Any request to reschedule must be made by motion, which will be presented to a panel of the court for disposition. The court disfavors motions to postpone oral argument and will grant such a motion only upon a showing of "extraordinary cause." See D.C. Cir. Rule 34(g).

If you are the arguing counsel, and you will be unavailable to appear for oral argument on a date in the future, so advise the Clerk's Office by letter, filed electronically. The notification should be filed as soon as possible and updated if a potential scheduling conflict arises later, or if there is any change in availability. To the extent possible, the Clerk's Office will endeavor to schedule oral argument to avoid conflicts that have been brought to the court's attention in advance. See D.C. Circuit Handbook of Practice and Internal Procedures at IX.A.1, XI.A.

Counsel must notify the court when serious settlement negotiations are underway, when settlement of the case becomes likely, and when settlement is reached. Such notice allows for more efficient allocation of judicial resources. Additionally, counsel should promptly notify the court if settlement negotiations are terminated. Notice must be given in an appropriate motion or by letter to the Clerk at the earliest possible moment. See, e.g., D.C. Circuit Handbook of Practice and Internal Procedures at X.D., XI.A.